

Article - Health - General

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§18–213.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) (i) “Body fluids” means:
 - 1. Any fluid containing visible blood, semen, or vaginal secretions; or
 - 2. Cerebral spinal fluid, synovial, or amniotic fluid.
- (ii) “Body fluid” does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.
- (3) “Contact exposure” means as between a patient and a sworn member of the State Fire Marshal’s office:
 - (i) Percutaneous contact with blood or body fluids;
 - (ii) Mucocutaneous contact with blood or body fluids;
 - (iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or
 - (iv) Intact skin contact with large amounts of blood or body fluids for a prolonged period.
- (4) “Contagious disease or virus” means:
 - (i) Human immunodeficiency virus (HIV);
 - (ii) Meningococcal meningitis;
 - (iii) Tuberculosis;
 - (iv) Mononucleosis;
 - (v) Any form of viral hepatitis, including but not limited to hepatitis A, B, C, D, E, F, and G;

- (vi) Diphtheria;
- (vii) Plague;
- (viii) Hemorrhagic fevers; or
- (ix) Rabies.

(5) “Medical care facility” means a hospital as defined in § 19–301 of this article or a health care facility of a correctional institution.

(b) If, while treating or transporting an ill or injured patient to a medical care facility or while acting in the performance of duty, a sworn member of the State Fire Marshal’s office comes into contact exposure with a patient who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to the facility, as having a contagious disease or virus, the attending physician, medical examiner, a designee of the medical care facility who receives the patient, the Chief Medical Examiner, or the Chief Medical Examiner’s designee shall notify the sworn member of the State Fire Marshal’s office and the State Fire Marshal or the State Fire Marshal’s designee of the officer’s possible contact exposure to the contagious disease or virus.

(c) The notification required under subsection (b) of this section shall:

(1) Be made within 48 hours of confirmation of the patient’s diagnosis;

(2) Include subsequent written confirmation of possible contact exposure to the contagious disease or virus;

(3) Be conducted in a manner that will protect the confidentiality of the patient; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the sworn member of the State Fire Marshal’s office.

(d) The written confirmation required under subsection (c)(2) of this section shall constitute compliance with this section.

(e) Each medical care facility shall develop written procedures for the implementation of this section, and upon request, make copies available to the State Fire Marshal’s office.

(f) A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action related to the breach of patient confidentiality.

(g) A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action for:

(1) The failure to give the required notice, if the sworn member of the State Fire Marshal's office fails to properly initiate the notification procedures developed by the health care facility under subsection (e) of this section; or

(2) The failure of the State Fire Marshal or the State Fire Marshal's designee to subsequently notify the sworn member of the State Fire Marshal's office of the possible contact exposure to a contagious disease or virus.

(h) A sworn member of the State Fire Marshal's office shall receive from the State Fire Marshal's office, at the expense of the State Fire Marshal's office, as part of the member's training, education on:

(1) (i) The routes of transmission of HIV and hepatitis B virus; and

(ii) The routes by which a sworn member of the State Fire Marshal's office may be exposed to HIV and hepatitis B virus; and

(2) The current Centers for Disease Control and Prevention guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering emergency medical care.

(i) A sworn member of the State Fire Marshal's office shall receive from the State Fire Marshal's office, at the State Fire Marshal's expense, equipment recommended by the Centers for Disease Control and Prevention to protect a sworn member of the State Fire Marshal's office from exposure to HIV and hepatitis B while rendering emergency medical care.

(j) (1) The State Fire Marshal's office shall develop written procedures for the implementation of this section.

(2) On request, copies of the procedures developed under this subsection shall be made available to employees, employee unions, volunteer associations, and the Secretary.

(k) A person under this section may not refuse to treat or transport an individual because the individual is HIV positive.

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